

Electronic Acknowledgement Receipt

EFS ID:	5304228
Application Number:	10697981
International Application Number:	
Confirmation Number:	8963
Title of Invention:	SYSTEM-IN-PACKAGE AND METHOD OF TESTING THEREOF
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Attorney Docket Number:	246/194
Receipt Date:	08-MAY-2009
Filing Date:	31-OCT-2003
Time Stamp:	16:48:43
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/Message Digest	Multi Part/.zip	Pages (if appl.)
1	Power of Attorney	3061-POA.pdf	109740 d5031750d996443dd72c73949eb5aec7f0f 62d15	no	1

Warnings:

Information:

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New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 and 7-11 are rejected under 35 U.S.C. 102(e) as being anticipated by

McIntosh et al (U.S. 6,679,909).

McIntosh et al disclose in Figs 4-6, a stent delivery system for the treatment of vascular stenoses having the limitations of claims 1-3, including: an elongate wire (52), a radially expandable stent (60) positioned on the wire towards the distal end, where a tubular sheath member (24) covers at least a portion of the wire. The sheath is retractable from a first position where the stent is covered by the sheath (see col. 1, lines 24-56) to a second position where the stent is uncovered, and where the system further comprises a coil which is a radio-opaque disposed at the distal end of the wire (see col. 5, lines 12-15).

Regarding claims 7-11, McIntosh et al disclose the system further comprises at least one radio-opaque marker band (62) located on the wire distally of the stent (60), where the expandable stent comprises of a shape memory alloy (i.e., the shape memory alloy comprises of Nitinol) (see col. 7, lines 14-21).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103 (a) as being unpatentable over McIntosh et al in view of Gould et al (4,586,923).

McIntosh et al teach all limitations substantially as claimed except a flush port locates near a proximal end of the sheath. Gould et al teach the flush port locates near a proximal end of the sheath (figs. 3, 56) in order to advantageously attach other biomedical devices. Furthermore, it helps to facilitate introducing fluid material into the present device. It would have been obvious to one having ordinary skill in the art at the time the invention to modify McIntosh et al by adding the flush port in order to advantageously attach other biomedical devices. Furthermore, it helps to facilitate introducing fluid material into the present device.

Response to Arguments

3. Applicant's arguments filed 11/29/2004 have been fully considered but they are not persuasive. With respect to claim 1, the examiner disagrees with applicant's remarks that the McIntosh reference fails to disclose a stent positioned coaxially on the wire. As the examiner has pointed out above, McIntosh discloses in figure 4 where an expandable stent (60) positioned coaxially on the wire (52). The examiner considers "a stent positioned **coaxially** on the wire" is a broader term. In fact, the device of McIntosh in fig. 4 when the expanding stent 60 is in

compressed state, then the stent would be capable of positioning on or about the wire (52).

Therefore, claim 1 of the invention is not defined over the McIntosh reference.

Conclusion

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor X Nguyen whose telephone number is (571) 272-4699. The examiner can normally be reached on M-F (8-4.30 P.M.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anh Tuan Nguyen can be reached on (571) 272-4963. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3731

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Victor X Nguyen
Examiner
Art Unit 3731

Vn ✓
2/4/2005

Julian W. Woo

JULIAN W. WOO
PRIMARY EXAMINER